



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 28, 1995

Ms. Tracy B. Calabrese
Assistant City Attorney
Legal Department
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR95-1007

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request ID# 35128.

The City of Houston received an open records request for copies of recordings of police department radio transmissions made from 11:00 p.m. on June 27, 1995, to 12:30 a.m. on June 28, 1995. You contend that a portion of the requested information is excepted from disclosure under section 552.108 because it relates to the pending prosecution of the requestor's client. You have submitted that portion to this office for review.

We conclude that you may withhold portions of the information you submitted for review. In cases that are currently under active investigation, section 552.108 excepts from disclosure all information except that generally found on the first page of the offense report. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). In this case, you have established that section 552.108 excepts from disclosure the portions of the recording specifically referring to the events at 10300 Richmond Avenue and 9700 Richmond Avenue, where the requestor's client was observed and arrested. You may withhold only these portions of the recording. You must release the remainder of the information you submitted for review.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Margaret A. Roll". The signature is fluid and cursive, with the first name "Margaret" being the most prominent part.

Margaret A. Roll
Assistant Attorney General
Open Records Division

MAR/ch

Ref.: ID# 35128

Enclosure: Submitted document

cc: Mr. Michael Peña
Trichter & De La Garza
The Sterling Mansion
4515 Yoakum Boulevard
Houston, Texas 77006
(w/o enclosures)